

G. C. BITTING IN FEDERAL COURT

Habeas Corpus Writ Discussed Before Judge Estee.

CASE WAS CONTINUED TO TOMORROW MORNING

Attorney G. A. Davis was Not Ready to Take Up Argument on Subject of Jurisdiction.

The hearing on the application of C. C. Bitting for a writ of habeas corpus came up in Judge Estee's court this morning at 10 o'clock. There were present in court, C. C. Bitting and his attorney, George A. Davis, U. S. Attorney Baird, Attorney General Dole, F. M. Hatch, A. L. C. Atkinson and other members of the local bar.

The matter was called up promptly, Judge Estee asking if the return had been made. The petition was read by Attorney Davis, together with the return made by High Sheriff Brown. The return stated that the prisoners in Oahu Jail are divided into three classes, viz.: those in for felonies, for misdemeanors, and those held for trial or for witnesses.

It set forth that Bitting was held as one of the third class and that he received better treatment at Oahu Jail than could be given him at any other place.

Judge Estee said: "The Court will not consider anything except the constitutional phases of the case. It will not hear testimony as to the facts governing the action of the First Judge of the Circuit Court."

The Judge wanted to hear testimony. Attorney Davis asked Attorney General Dole if he would not admit that there was no law segregating the prisoners into three classes. Mr. Dole replied that the facts were in the return of the High Sheriff and that he would admit nothing else.

High Sheriff Brown was called to the stand. His testimony was that Bitting had been classed with the prisoners awaiting trial; that he was given three meals per day. He sleeps in the guard room under a mosquito net and has the freedom of the whole upper room of the warden's quarters.

"Are you sure about the mosquito net?" asked Judge Estee. "Yes, sir," replied the sheriff. "I am sure." He said further that this was much better treatment than could be given a prisoner at the police station.

There were no further witnesses called. In his argument, Mr. Davis said it was not bad treatment they were complaining of. "We do not care if you are wining and dining Mr. Bitting. He is incarcerated in a penitentiary with murderers and thieves and in violation of his constitutional rights. It is unconstitutional to confine this man in a convict's prison," said the attorney.

At different times in his argument, Mr. Davis was told by the Court that the Court was opposed to incarcerating men convicted of misdemeanors along with hardened criminals and stated that "a bastille cannot be erected on American territory." Judge Estee intimated that the question should have been taken to the Territorial Supreme Court and expressed his doubt of the jurisdiction of the Federal Court.

Attorney Davis was not thoroughly prepared to argue on the question of

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Saturday, March 23,

a low upset price is placed on the lots; this, with their location, improvements and conditions, make them the best home investment in Honolulu.

Apply to the Sales Agents

McClellan, Pond & Co.,

and W. R. Castle, Jr.

jurisdiction and asked a continuance until tomorrow morning to look up the authorities on that point. The further hearing in the case will come up at that time.

The remarks of Judge Estee in the course of the proceedings, indicate that he has pronounced objections to the prison methods in this Territory. He said to Attorney Davis: "What kind of an order can I make to compel the sheriff to imprison men differently? This Court does not believe in putting men guilty of minor offenses together with convicts—even under the same building. It don't seem right; it is un-American, but this Court is not a Legislature."

Mr. Bitting was ordered released by Judge Estee on bond of \$250 pending the determination of the proceedings upon the matter of habeas corpus.

WAS IT EDWIN S. GILL?

The Grand Jury reported a number of bills in Circuit Court at 2:30 today. After they filed out, Judge Humphreys took up one bill and said to Deputy Attorney General Cathcart: "The file I hold in my hand is a matter in which, while this Court is not technically nor legally disqualified from sitting yet, under the circumstances, it would not hear the case unless it is absolutely necessary."

Arraignment of the parties will be made tomorrow morning and until then the public must guess as to the identity of the person against whom the bill in question lies. The indictments were ordered placed on the close file.

Elks Will Meet.

A meeting of the charter member candidates of the Elks will be held at Waverly Hall Saturday evening next at 7:30. The meeting is for the purpose of perfecting arrangements for the institution of the Lodge of Elks in Honolulu.

A barrel of elk's milk specially imported for the occasion, will be dispensed at the meeting.

SNOW STOPS CARRIE

THREATS OF TAR AND FEATHERS ARE HEARD

Mrs. Nation Visits Leading Drug Store But Doesn't Smash Liquor—Praying for Protection from Bodily Harm.

Topeka, Kan., Feb. 4.—On account of the heavy fall of snow yesterday, Mrs. Carrie Nation has postponed her demonstration against the joints scheduled for today until tomorrow morning at 7 o'clock.

She confined her operations this morning to visiting the drug stores. She first called on the Hobart drug store, one of the finest in the city, where she found a quantity of liquors in the basement. Mrs. Nation lectured the proprietor in a caustic manner, and notified him that his place would be smashed the same as the lowest joint unless he quit selling liquor.

Kansas City, Mo., Feb. 4.—A special to the Times from Topeka, Kan., says: "Policeman Luster has reported to City Marshal Stahl a plot on the part of the liquor men to tar and feather Mrs. Nation, the joint smasher. Luster says that a negro 'tough' whom he once befriended gave him the tip. Marshal Stahl is making an investigation."

The report has frightened Mrs. Nation and her sister crusaders, but they declare that they will continue the work of destroying "murder shops."

They met at 9 o'clock yesterday morning at Mrs. Nation's room and held a session of prayer, asking the Lord to protect them from bodily harm in the discharge of what they termed their duty to the community.

BIG CO-OPERATIVE SCHEME

Bridgeport, Conn., Feb. 4.—A plan has been proposed to establish certain financial institution here on a basis of co-operation. It involves the raising of \$5,000,000. Forty thousand citizens are expected to find the money, each taking \$175 worth of stock. Six corporations are to be chartered.

Of the \$175 subscribed by each \$25 will form a deposit in the savings bank, one of the corporations, while the remainder will pay for one share in each of the other five companies.

With the scheme is a proposition to pay the debts of the municipality by insuring the lives of prominent citizens. The city will provide the premiums and be the beneficiary. Several residents have agreed to take out policies if the scheme goes through.

THE WATERMAN IDEAL FOUNTAIN PEN. All sizes, all shapes. H. F. WICHMAN.

IN THE CIRCUIT COURT

MATTERS SET FOR HEARING AT CHAMBERS TOMORROW

Demurrers Indictments Are Heard This Morning—Minor Papers Filed Today With the Clerk.

In the Circuit Court this morning, Judge Humphreys excused the trial jurors until next Monday afternoon at 2 o'clock.

The defendant's demurrer to the indictment against Hookan Hoolewa, charged with larceny in the second degree was overruled this morning.

Demurrers in two other second degree larceny cases, were overruled and exceptions noted.

The following matters will be taken up by Judge Humphreys at chambers tomorrow morning:

Estate Eliza Jane Boardman, petition of executor for discharge, etc.

Estate John Smith Walker, petition of executor for discharge.

Estate Captain Harry English, petition by administrator for discharge.

Estate A. A. Dolron, petition for probate of will.

Estate John Phillips, hearing on master's report.

Ida E. Lamb vs. G. W. Smith, et al., confirmation of sale.

S. C. Allen vs. G. W. Smith et al., confirmation of sale.

Replication was filed yesterday by Hatch & Stillman, attorneys for the Hawaiian Automobile Co., to the answer of the Territory of Hawaii to plaintiff's bill for injunction.

The case of the Territory of Hawaii vs. Wong Kuf for having opium unlawfully in possession, has been nolle prosequi in the Circuit Court.

Robertson & Wilder for defendant in trespass case of Emma M. Nakulua vs. J. H. Schnack, filed answer today.

In the matter of the estate of James Hoare, a minor, Judge Humphreys today made an order appointing Lyle A. Dickey master to examine the accounts of Antone Rosa, guardian, deceased.

Fred Harrison and William Mutch executors under the will of R. G. Rabe, filed an inventory of property, amounting to \$3,373.11.

Preparing for the Legislature.

Desks and furniture are being put in place for the use of the Legislature. The Senate will meet in the wide hall way on the top floor of the Capitol building. A screen will protect the Senators from the view of casual callers at the departments on the upper floor. The House will meet in the usual place.

Last Mardi Gras Meeting.

The very last meeting of the Mardi Gras committee will be held in the drill shed at 3:45 o'clock Friday afternoon to make final arrangements. The patronesses and committees are all urged to be present.

KAMALO IS ON ITS FEET AGAIN

If one happens to meet on the street today a holder of Kamalo stock he will undoubtedly see stamped on his face, a picture of happiness, this despite the gloomy weather. Ask him what has happened and he will tell you that Kamalo is on its feet again and that the trials, tribulations and vicissitudes of the last few months have passed and gone forever.

The departure of Attorney W. A. Henshall for San Francisco in the Rio de Janeiro this morning has a special significance. By the last mail from the Coast, Mr. Henshall received a letter from Paul Neumann in which it was stated that a big Seattle firm, some of the members of which were here a month ago, had decided to recapitalize the plantation in question and take over all the responsibilities.

The letter particularly asked that Mr. Henshall take the first steamer to the Coast and take with him all the stock papers, books and everything else pertaining to the business of Kamalo, so suddenly brought to a standstill not long ago.

Upon arrival in San Francisco, Mr. Henshall will proceed immediately to Seattle to confer with Mr. Fincke and the other two members of the firm mentioned, to place in their hands all the facts regarding Kamalo (Molokai). He will return to Honolulu as soon as this work has been completed.

It might be stated just here that, when Mr. Neumann went to the Coast to attend to his side of the Claudine-Carson case, he was also empowered to communicate with the Seattle firm referred to. In his letter to Mr. Henshall, he stated that the firm had decided to take over the plantations affairs at once, to establish the agency at that place and to send out as soon as the business affairs had been settled up, vessels with the necessary supplies to carry on the work at the plantation. The company which, by the way, exports extensively to this city, will take over the controlling shares while such men as H. R. Hitchcock, Harry Evans and Larry Dee, will retain their large holdings.

The company in question will appoint its own manager and send out its own implements and supplies as soon as possible. The land will be plowed and cane will be in the ground by the first of September. The mill will be put up next year so that it will be in shape to grind the big crop of cane in December of the year following.

It will be seen by these statements that Kamalo will soon take its place among the most favored of the plantations of the Islands.

When Mr. Fincke and the other members of the firm were here about a month ago, they went to Kamalo with some of the principal stockholders. After looking carefully into the affairs of the company and going over the land, they decided that the proposition was a good one to take up but decided to go back to Seattle to consult with the members of the firm before deciding on anything definite.

PRIVATE HILO BANK

TERRITORY WILL PURCHASE ELECTRIC STATION LAND

Sidewalks on Fort Street Will Be Constructed by the Territory and Property Owners will be Sued.

In the Governor's council this morning, Superintendent McCandless recommended the purchase of the Marsden land on which the Territorial electric light station is situated. The recommendation met with the approval of the other members and \$6000, for the purchase, will be added to the estimates to be submitted to the Legislature by Governor Dole.

Mr. Peck of Hilo applied for permission to incorporate a private bank. In this connection, Treasurer Lansing stated that he was too busy now to go over and make the examination required by law, and asked if he could not delegate a man for this purpose. In the opinion of the members of the council, such delegation of authority would be proper.

The application of E. Hackfelf & Co. for a wholesale liquor license for their house at Lahaina, was referred to Deputy Sheriff Baldwin.

Superintendent McCandless reported that he had a number of petitions for sidewalks on Fort Street between Hotel and Beretania.

It was ordered by the council that he proceed to put down said sidewalks and bring suit against the property for the total cost of construction.

O. BERGSTROM IS DEAD.

O. Bergstrom, who for years has been superintendent of the O. R. & L. Co.'s wharf, is lying dangerously ill at his residence.

He is being attended by Dr. Galbraith who reports his patient very low with pneumonia, complicated with heart trouble, which he has been complaining of for some time.

Shortly after the noon hour he was visited by Dr. Galbraith who stated that, unless a marked improvement took place in the condition of his patient by midnight, his demise would in all probability occur at any hour after that.

Mr. Bergstrom was at one time captain of one of the local military companies. He is a member of Lodge Le Progres, F. & A. M.

Mr. Bergstrom died at 2:30 this afternoon. The funeral will probably be held tomorrow.

The transport Solace arrived this afternoon and made fast to Navy wharf No. 1 at 2 o'clock. She is from Manila by way of Guam.

The latest style of straw hats will be exhibited in our store, Iwakami, Hotel street.

Franklin H. Austin is to be married this evening at 6 o'clock.

FOREIGN KINGS ATTEND.

London, Feb. 4.—The Kings of Portugal, Belgium and Greece returned to Windsor this morning to attend the ceremony of placing Queen Victoria's remains beside those of the Prince Consort at Frogmore.

DUKE OF CORNWALL BETTER.

London, Feb. 4.—The Duke of Cornwall and York has recovered enough to sit up for a brief period today.

San Diego Belle Actress.

San Diego, Feb. 2.—Miss Francis Ada Ballou, daughter of George H. Ballou, President of the San Diego Chamber of Commerce, and one of the most charming young ladies in San Diego, has received and accepted an offer from New York to sing with the Floradora Company, which is playing the season at the Casino Theater in the eastern metropolis.

Prince Henry Honored.

Kiel, Feb. 4.—Prince Henry of Prussia has been placed a la suite of the British Navy.

COL. OLCOTT'S LECTURES.

There was a full attendance of the members of Aloha Lodge of Theosophy at the residence of Miss Nellie Rice last evening to meet Col. Olcott.

The colonel has made the question of Theosophy a life long study and, during his one week's stay in Honolulu, will give several lectures.

Among other things he will tell how the society has spread throughout the world, the teachings of the ancient sages and adepts in relation to the universe, its origin and its laws, showing its ultimate agreement with the latest discoveries of science. He will also

MORE CAPTURES AT MODDERSFONTEIN

Boers Make Successful Raid on British Garrison.

1400 MEN AND TWO GUNS DID QUICK BUSINESS

Kitchener Dispatches Tell of Progress But Few Successes—De Wet in the Field and Still Active.

London, Feb. 4.—Lord Kitchener, commander-in-chief in South Africa, reports to the War Office as follows: "Pretoria, Feb. 3.—Our casualties at Moddersfontein were two officers killed and two wounded. It appears that the post was rushed on a pitch dark night, during a heavy rain, the enemy numbering 1400 with two guns.

"Campbell, south of Middleburg, engaged 500 Boers, who were driven back with loss. Our casualties were twenty killed or wounded.

"French is near Bethel, moving east and driving the enemy with slight opposition. Four of our ambulances, while seeking the wounded, were captured. The doctors were released.

"De Wet's force is reported south of Dewetsdorp."

Kitchener's first dispatch regarding the capture of the British post was as follows: "Pretoria, Feb. 2.—Our post at Moddersfontein on the Gattaran, southeast of Krugersdorp, was attacked by 1000 Boers. The relief column sent out from Krugersdorp failed to prevent the fall of the post. No details yet at hand, but officers and men captured at the post are arriving at Vereeniging."

Plot to Kill King of Italy

Paris, Feb. 4.—Le Rappel publishes a dispatch from Rome, saying: "Agents of the Italian detective department in the United States report that Calgano, the anarchist, has left for Europe today to make an attempt on the life of King Victor Emmanuel, and that he is acting under the orders of the Paterson anarchists. The Italian police are watching the ports and frontier stations."

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disease, its origin, evolution, manifold aspects of consciousness and its phases of activity.

The colonel held a levee at the Hawaiian hotel today from 9 to 12, where a number of believers in the principles of Theosophy paid their respects to the founder and President of the society.

Ziegenfuss Found a Reporters Paradise

H. F. Seymour, editor and proprietor of the Manila American, manager on the Rio de Janeiro, was often interviewed while he was in Honolulu than any other man on the boat. He is a journalist of the old school and has prospered in the Philippines. When the Rio docked yesterday, he planned to go into hiding while in port and made a special effort to avoid Honolulu newspaper men. He wound up by being captured in the basement of the Hawaiian hotel, where he surrendered and gave himself up.

Camarinos, the fruit man, found Seymour full of information about the present conditions and future prospects of C. O. Ziegenfuss and, when the Manila journalist said that reporters were scarce in the Orient at \$200 per month, all the boys began figuring how to work a graft on the next transport.

Seymour will be back through Honolulu in March and will probably take on a small cargo of Honolulu reporters.

BERTLEMANNS WANT TO SELL THEIR LAND

Agent is Now at Work Trying to Get a Buyer—Property is at Pihia, Kilauea, Kauai—Will Get About \$100,000 Apiece.

An attempt is being made by F. C. and H. G. Bertlemann of Kauai, through an agent, to sell their property in the neighborhood of \$100,000 apiece. The figure which the young men will receive, if the land is sold, will be in neighborhood of \$100,000 apiece. The buyers will be made to put up \$35,000 more which, according to the provisions of the will of the father of the Bertlemanns must go to the six sisters and the mother (\$5,000 apiece), when the land is sold.

This will is peculiar in that it makes it incumbent upon the three sons to pay the \$135,000 when the property is sold. If one of the heirs sells his share he must put up the amount mentioned, if two of the heirs sell, they must divide the amount between them and if three sell, the same course must be followed.

The agent for the two Bertlemanns has run up against a stump in the person of Father Sylvester, guardian for the third of the heirs, who is still a minor. The guardian refuses to sell his charge's share of the property.

E. Pollitz wished to purchase the land in question has, it is understood, had some communication with the agent. It is also understood that G. N. and Albert Wilcox of Kauai are after the property and that they are willing to pay a higher price for it than Pollitz & Co.

This land is under a long lease to the Kilauea Plantation Co. and it has fifteen years more to run. It is hardly probable that the deal will go through unless the property of the minor can be secured for sale in conjunction with the remainder. The Wilcox' own land immediately adjoining the property in question.

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